

Applicants: Herman Jacobus Blok et al.
Appl. No.: 10/579,896
Filed: May 18, 2006

REMARKS

Claims 1-29 and 38-51 were pending in the subject application. In the current Office Action, the claims have been subjected to a restriction requirement. By this amendment, applicants have canceled Claims 38-51, which are directed to non-elected inventions, without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in a future divisional or continuation application. Claims 1, 6, 11-21 and 29 have been amended. Applicants maintain that the amendments to the claims do not introduce new matter. Support for the amendments can be found at least in the previous version of the claims. Accordingly, entry of the claim amendments is respectfully requested.

Restriction Requirement

The Examiner required restriction to one of the following four Groups of inventions under 35 U.S.C. §§121 and 372:

- I. Group I, Claims 1-29, drawn to a method for the screening of cellular responses;
- II. Group II, Claims 38-47, drawn to a device for the screening of cellular responses;
- III. Group III, Claim 48, drawn to a solid porous support; and
- IV. Group IV, Claims 49-51, drawn to a supply chamber.

In response to the restriction requirement, applicants hereby elect, without traverse, the invention identified by the Examiner as Group I, i.e., Claims 1-29, drawn to a method for the screening of cellular responses.

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Election of Species Requirements

The Examiner required that applicants elect a single species from each of the following 5 categories to which the claims shall be restricted if no generic claim is finally held to be allowable:

- 1) effector molecules (as exemplified in Claim 6),
- 2) cellular components (as exemplified in Claim 12),
- 3) detector molecules (as exemplified in Claim 13),
- 4) cellular responses (as exemplified in Claim 14), and
- 5) molecule of interest (as exemplified in Claim 15).

In reply, applicants make the following elections:

- 1) effector molecules - growth factors,
- 2) cellular components - bacteria,
- 3) detector molecules - specific dyes,
- 4) cellular responses - growth inhibition, and
- 5) molecule of interest - small organic molecules.

This election is made with traverse with respect to the election of cellular components. Applicants request that the Examiner reconsider and rejoin the species bacteria and mammalian cells. Applicants respectfully point out that if a search and examination of multiple groups can be made without serious burden on the Examiner, the Examiner must examine the application on the merits, even though it includes claims to independent or distinct inventions (MPEP §803). Applicants maintain that it would not place an undue burden on the Examiner to examine both bacteria and mammalian cells. A search for one Group would likely identify art pertinent to another group. Accordingly, reconsideration and rejoinder of the species bacteria and mammalian cells are respectfully requested.

Applicants maintain that Claims 1-29 are readable on the elections.

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CONCLUSIONS

No fee is deemed necessary in connection with the filing of this reply. However, if any fee is required to maintain the pendency of the subject application, authorization is hereby given to withdraw the amount of any such fee from Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 336-8000

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New York, New York

By 
Alan D. Miller, Reg. No. 42,889